

MEDICAL MARIJUANA/CANNABIS TASK FORCE

MEETING SUMMARY FOR FRIDAY, JULY 18, 2003 @ 12 NOON

EXECUTIVE COMPLEX – 5TH FLOOR 1010 SECOND AVENUE

For Information contact Ed Plank (236-6433).

Attendees:

The following Task Force members were in attendance: Chair: Jerry Meier, Mike Barbee, Michael Bartelmo, Larry Chaidez, Dale Kelly-Bankhead, Ann Shanahan-Walsh, Juliana Humphrey, Conley Major and St. Clair Adams

Staff: Lisa Foster, Staajabu Heshimu, Cesar Solis and Ed Plank.

The Chair noted that a quorum was present

Discussion with Damon Mosler

Juliana Humphrey provided a report on a meeting with Damon Mosler, the new point person for District Attorney Bonnie Dumanis on Medical Cannabis, and referred to a recent City Beat article. Juliana indicated that Mr. Mosler expressed the DA's interest and willingness to work with the City and others on approaches to regulating medical cannabis, and may not be as comfortable with a "case by case" approach to the issue as the previous DA. Juliana noted that she attempted to correct Mr. Mosler's impression that the City Attorney may not be supportive on the Medical Cannabis guidelines issue.

He noted that he is not agreeing to be bound by the guidelines, at least not yet, but does recognize that they do represent the local benchmark. He indicated the DA has made it clear that she will enforce California law. He will be working with the DA to establish a position on the Medical Cannabis issue by September, and would like to attend one of the Task Force meetings in the future to discuss it. In the interim, Mr. Mosler reviews all cannabis cases that come in, and will discuss the specifics with the DA herself if there is interest in issuing.

He indicated there is not an intent to arrest any patients with a legitimate recommendation. There are more concerns with caregivers, especially when they are trying to make money. He also has concerns with doctors providing recommendations for larger amounts, or simply making recommendations over the phone. Juliana suggested a letter be written to Mr. Mosler providing background information, draft guidelines, Municipal Code language, etc..

Review of Draft Ordinance (Implementing Council approved guidelines)

Lisa Foster described the internal review process underway within her office regarding the Ordinance which would implement the Law Enforcement Guidelines on Possession and Cultivation. She noted the Council's emphasis on minimizing the City's liability associated with the guidelines and verification card program. The task force provided feed back on several areas of the proposed ordinance:

Negligence language

Lisa described the intent with respect to liability of City versus service provider under different circumstances. There was opposition expressed to tightening the language any further regarding contracting agency obligations for claims or liability in Section 42.1309 (b). The concern was that further tightening of the language could result in no provider being willing to perform the service.

Definition of "processed" cannabis

Lisa noted that there was a request within her office to define the term "processed marijuana". The resulting Task Force discussion suggested using terms such as harvested or dried. The Task Force recognized that the weight of cannabis changes considerably from the growing plant, to the harvested and dried material with stems removed. It was also noted that the smoked form was not the sole form of processed cannabis..

Clarification of Possession Amount

The task force discussed whether the possession quantity would need to be updated continuously by the verification card service provider based on the remaining duration of the physician's recommendation and concluded that would be too complicated. The Task Force preferred a simple calculation based on the physician's recommended duration and quantity.

Development of Program Documents

There was discussion as to whether the contractor should be required to develop the forms and documents which would be needed to administer the program. The Task Force concluded that the verification card provider should be responsible for finalizing the documents, since they would likely have input that would make the documents easier for them to use.... but that it would be helpful for the provider to be given draft documents that would reflect the minimum requirements of the City.

Smoking

There was significant discussion and disagreement among the Task Force members on the language in section 42.1313 which states that "Smoking cannabis in any public place or in any place open to the public or exposed to public view is prohibited". It was argued that if patients need their medicine, they should be able to smoke wherever they are, in public or not. There was concern that an individual would not be able to smoke cannabis in their back yard if they were in view of others. It was noted that the language was directed by the City Council in approving the guidelines. The question arose as to whether it was currently a crime to smoke cannabis in public, and whether this would make it a crime to do so.

The language was referred to the Law/Legislation subcommittee for further discussion. The subcommittee meeting will be held on the Thursday preceding the next Task Force meeting.

There was a motion to incorporate the input of the Task Force into the draft Ordinance. This was approved.

Fund Raising

The Chair mentioned that discussions were ongoing with potential program donors. He indicated a concern that the automated phone tree answering system that was initially envisioned may not

be worth the investment given the relatively limited number of interactions reported by the Police Department. He suggested an alternative pager based system be considered if it could meet the Police Department's needs for timely response. Jerry indicated such a system could significantly reduce the start up costs. Cesar Solis was asked if a response time of 20-30 minutes would be acceptable. He indicated that he thought that would be acceptable to PD.

Public Comment

A request was made for the Task Force to address the conflict between the State and Federal law. St. Clair asked that the issue be referred to the Law/Leg subcommittee for discussion at the next meeting.

Comment that Oakland defined "processed" as manicured or dried and smokable

Comment that the guidelines and medical use provisions were a stepping stone to legalization

Suggestions: put the amount of cannabis that could be possessed on the card itself
use radio spots for fund raising efforts

Comment on support of HR1717 - Truth in Trials legislation which would make state laws on medical cannabis use admissible, States Rights legislation being pursued, Journal of Pharmacology article and its consideration in a Washington case

Comment on use of term "user" and "smoking dope" as offensive

Comment on the Ordinance's interpretation of Physician